

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

INFINITE MASTER MAGNETIC, )  
aka JESSE JEROME POINTER, )

3:16-CV-0137-RCJ (VPC)

Plaintiff, )

vs. )

**REPORT AND RECOMMENDATION  
OF U.S. MAGISTRATE JUDGE**

STATE OF NEVADA, et al., )

Defendants. )

April 11, 2017

This Report and Recommendation is made to the Honorable Robert C. Jones, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR IB 1-4. For the reason set forth below, it is recommended that plaintiff's complaint be dismissed without prejudice.

On March 9, 2016, plaintiff *in pro se* filed a civil rights complaint (ECF No. 1). However, plaintiff failed to pay the filing fee or apply for *in forma pauperis* status. Therefore, the court ordered plaintiff to complete and file a detailed application to proceed *in forma pauperis* and file it with the court on or before April 3, 2017 (ECF No. 5). Plaintiff was cautioned that failure to do so would result in a recommendation to the District Court to deny the request and to dismiss the complaint without prejudice (ECF No. 5).

To date, plaintiff has not filed the application to proceed *in forma pauperis* with the court nor has he requested an extension by which to do so. Thus, this court recommends that plaintiff's complaint be dismissed without prejudice.

The parties are advised:

1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of Practice, the parties may file specific written objections to this report and recommendation within fourteen days of receipt. These objections should be entitled "Objections to Magistrate Judge's Report and

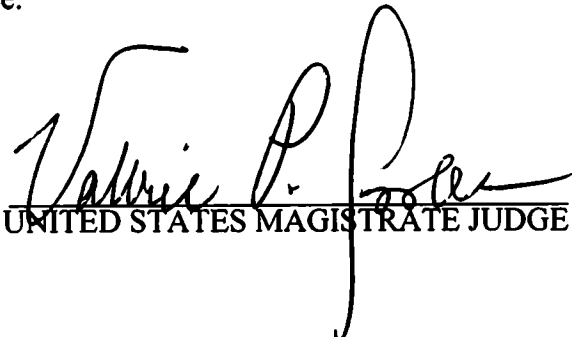
1 Recommendation” and should be accompanied by points and authorities for consideration by the  
2 District Court.

3 2. This report and recommendation is not an appealable order and any notice of appeal  
4 pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court’s judgment.

5 **RECOMMENDATION**

6 **IT IS THEREFORE RECOMMENDED** that the district court enter an order  
7 **DISMISSING** plaintiff’s complaint without prejudice.

8 DATED: April 11, 2017.

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11 UNITED STATES MAGISTRATE JUDGE  
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